

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CRAIG MOBAYED,

Petitioner,

- against -

ANTHONY BOUCAUD,
Superintendent for Altona Correctional Facility,

Respondent.

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MAUSKOPF, United States District Judge.

MEMORANDUM & ORDER
09-CV-4790 (RRM)(JMA)

On November 9, 2009, this Court ordered the Petitioner to show cause by affirmation why the AEDPA statute of limitations should not bar his petition. Petitioner was given thirty days to respond to this Order. On January 11, 2010, more than thirty days had elapsed without a response from Petitioner, and this Court therefore dismissed the petition as time-barred. Now before the Court, however, is a letter dated January 21, 2010 (Doc. No. 6), in which Petitioner, who apparently received the January 11, 2010 Order dismissing his petition, claims he never received the original November 9, 2009 Order To Show Cause. Petitioner requests that he be re-served with the November 9, 2009 Order and given thirty days to respond.

The Clerk of Court is hereby ORDERED to re-serve the November 9, 2009 Order To Show Cause (Doc. No. 3), together with this Order and a copy of the docket sheet, on Petitioner by certified mail, return receipt requested. Petitioner is ORDERED to show cause on or before March 1, 2010 why the AEDPA statute of limitations should not bar his petition. The Clerk of Court is ORDERED to reopen this case and VACATE the January 11, 2010 Order and the January 14, 2010 Clerk's Judgment.

SO ORDERED.

Dated: Brooklyn, New York
January 29, 2010

/s/RRM
ROSLYNN R. MAUSKOPF
United States District Judge